

Criminal Appeal No. 03/2025  
CNR No.WBHW0100 0209-2025

Present: Abhijit Som  
Sessions Judge, Howrah.  
J.O. Code – WB01127

Order No. 02 dated 12.03.2025

This is an appeal under Section 415(3) of BNSS.

Heard learned Advocate on behalf of the appellant. Perused the impugned order.

Considered the grounds of appeal.

Having considered sufficient grounds for filing the instant appeal, this Court is of the view that the order of sentence may be stayed for the time being, otherwise, the purpose of institution of the appeal would be frustrated. Accordingly, order of sentence passed in connection in G.R. Case No. 534 of 2019 is hereby stayed till further order.

The appellant is granted statutory bail for preferring an appeal against the judgement. The interim bail is confirmed and the appellant may be allowed to remain in the same bail bond.

Call for L.C.R.

Fix 07.05.2025 for L.C.R.

Dictated and corrected by me.

S. J.

Sessions Judge, Howrah.

T.A. No.18 of 2025

Order No.02 dated 03.03.2025

The record is put up on prayer.

Ld. Advocate on behalf of the appellant moves an application for stay all further proceedings in the Court below in connection with the Title Suit No.707 of 2023.

It is found from the record that the instant appeal has been filed after statutory period of limitation.

An application u/S.5 of the Limitation Act has been filed along with the Appeal.

There is no indication in the record that notice in connection with the application for condonation of delay is served upon the respondents. The next date is fixed on 08.04.2025 for S.R. and A/D regarding limitation matter.

In terms of sub rule (3) of section 3A, when an application for condonation of delay is made under sub-rule (1), the Court shall not make an order for stay of execution of the decree against which the appeal is proposed to be filed so long as the Court does not, after hearing under rule 11, decide to hear the appeal.

One decision of the Hon'ble High Court reported in AIR (Cal) 20 is cited at the time of hearing. However, it appears that the Hon'ble Court observed that the limited stay can be granted when the order impugned is interlocutory in nature. Therefore, it may be presumed that the decision is not applicable in case is execution of a decree. So, this Court is not inclined to pass an order of limited stay at this stage when the appeal is not taken up for hearing as per Order 41 Rule 11 of CPC during pendency of the application u/S.5 of the Limitation Act.

To-date.